

UNITED STATES DISTRICT COURT

## DISTRICT OF NEVADA

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## CALVARY CHAPEL DAYTON VALLEY,

Case No. 3:20-cv-00303-MMD-CLB

**Plaintiff,**

## ORDER

v.

STEVE SISOLAK, in his official capacity as Governor of Nevada, *et al.*,

## Defendants.

12        The Court previously denied Plaintiff’s request to consider its Emergency Motion  
13 for Temporary Restraining Order and Preliminary Injunction (“Motion”) (ECF Nos. 9, 19)<sup>1</sup>  
14 on an emergency basis. (ECF No. 16 (“Order”).) As noted in the Order, it is simply  
15 unreasonable for Plaintiff to file the Motion around 3:30 p.m. on Thursday, May 28, 2020,  
16 asking the Court to enjoin enforcement of state emergency directives imposed in  
17 response to COVID-19 to allow Plaintiff to resume in-person worship services by Sunday,  
18 May 31, 2020. (*Id.* at 1-2.) Plaintiff seeks reconsideration of the Order, explaining that it  
19 had hoped Nevada’s Governor would address concerns that Plaintiff’s Pastor, along with  
20 a group of other religious leaders across the state, had raised with Governor Sisolak.<sup>2</sup>  
21 (ECF Nos. 20 at 3-4, 21 at 3-4.) In short, Plaintiff contends that it exercised diligence in  
22 trying to resolve its dispute before bringing the Motion, though Plaintiff did not offer any  
23 explanation for its delay in the Motion.

24 The Court declines to consider Plaintiff's explanation. It is not an abuse of  
25 discretion to refuse to consider new arguments in a reconsideration motion even though

<sup>27</sup> Plaintiff filed the Motion as one document and later corrected its filing to reflect  
<sup>28</sup> that the Motion encompasses two requests for relief—a temporary restraining order and  
a preliminary injunction.

<sup>2</sup>The Governor opposes the motion for reconsideration. (ECF No. 22.)

1 "dire consequences" might result. See *Schanen v. United States Dept. of Justice*, 762  
2 F.2d 805, 807-08 (9th Cir. 1985).

3 Moreover, the Court's Order anticipated and already rejected the reason for waiting  
4 to file its Motion that Plaintiff's motion for reconsideration now proffers. The Order  
5 specifically noted:

6 To the extent Plaintiff was not certain how or when this restriction would be  
7 mitigated under the Governor's phased reopening plan, Plaintiff still filed  
8 this action on May 22, 2020, and should have—at a minimum—sought the  
relief sought in the Motion then. Waiting until one business day before  
Pentecost Sunday to ask for emergency relief is simply unreasonable.

9 (ECF No. 16 at 2.) Plaintiff's basis for seeking reconsideration is, in gist, that very  
10 reason—the uncertainty associated with the Governor's phased approach caused  
11 Plaintiff to delay filing the Motion even though Plaintiff filed this action on May 22, 2020.

12 (ECF Nos. 20, 21.) Be that as it may, the fact that Plaintiff waited until one business day  
13 before Pentecost Sunday to file the Motion, when Plaintiff challenges restrictions that  
14 have been in place for weeks, still put Defendants and the Court in the untenable position  
15 of having essentially no time to address the Motion on the merits.

16 It is therefore ordered that the motion for reconsideration (ECF Nos. 20, 21) is  
17 denied.

18 DATED THIS 29<sup>th</sup> day of May 2020.

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MIRANDA M. DU  
CHIEF UNITED STATES DISTRICT JUDGE